

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK BICKING,)	
)	Civil Action
Plaintiff)	No. 08-CV-01169
)	
vs.)	
)	
DEITER BROTHERS,)	
)	
Defendant)	

O R D E R

NOW, this 24th day of March, 2009, upon consideration of Defendant's Motion for Sanctions filed November 20, 2008; upon consideration of Defendant Deiter Brothers' Supplemental Cost Information in Connection with the Motion for Sanctions, which supplemental information was filed December 5, 2008; upon consideration of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin filed December 29, 2008; it appearing that as of the date of this Order, petitioner has not filed any objections to the Report and Recommendation of Magistrate Judge Perkin; it further appearing after review of this matter that Magistrate Judge Perkin's Report and Recommendation correctly determined the legal and factual issues presented in Defendant's Motion for Sanctions,

IT IS ORDERED that Magistrate Judge Perkin's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that Defendant's Motion for Sanctions is granted.¹

IT IS FURTHER ORDERED that on or before April 20, 2009, plaintiff Patrick Bicking shall pay the law firm of Susanin, Widman & Brennan, P.C., sanctions in the amount of \$5,296.05.

IT IS FURTHER ORDERED that plaintiff's Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

¹ I note that, in the alternative, Defendant's Motion for Sanctions could be granted as unopposed pursuant to Rule 7.1(c) of the Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania ("Local Rules"). Pursuant to Local Rule 7.1(c), any party opposing a motion shall serve a brief in opposition, together with such answer or other response which may be appropriate, within fourteen days after service of the motion or accompanying brief. Pursuant to Rule 6(d) of the Federal Rules of Civil Procedure, an additional three days are added to the time to respond where, as here, service is made electronically or by mail pursuant to Rule 5(b)(2)(C) and (E).

Here, Defendant's Motion for Sanctions was filed and served electronically on November 20, 2008. According to the Certificate of Service attached to the motion, it was also served by first-class mail. Because the seventeenth day after November 20, 2008 was Sunday, December 7, 2008, plaintiff had until on or before the next business day, Monday, December 8, 2009 to respond in opposition. Fed.R.Civ.P. 6(a)(3). As of the date of this Order, no response in opposition has been filed. Accordingly, the motion is unopposed, and I could grant it as such.